

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC
and the estate of Bernard L. Madoff,

Plaintiff,

v.

LEGACY CAPITAL LTD.,

Defendant.

Adv. Pro. No. 10-05286 (SMB)

NOTICE OF CROSS-APPEAL

PLEASE TAKE NOTICE that on November 25, 2019, Irving H. Picard, as trustee (the “Trustee”) for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et seq.*, and the substantively consolidated Chapter 7 estate of Bernard L. Madoff, appealed to the United States Court of Appeals for the Second Circuit (the “Second Circuit”) under 28 U.S.C. 158(d)(2), from the final

judgment annexed hereto as Exhibit A (the “Final Judgment”)¹ of the Honorable Stuart M. Bernstein of the United States Bankruptcy Court for the Southern District of New York, entered in the above-captioned adversary proceeding, *Picard v. Legacy Capital Ltd.*, Adv. Pro. No. 10-05286 (SMB) (Bankr. S.D.N.Y. Nov. 12, 2019), ECF No. 231.

PLEASE TAKE FURTHER NOTICE that Defendant Legacy Capital Ltd. (“Legacy”) hereby cross-appeals to the Second Circuit under 28 U.S.C. 158(d)(2), from the Final Judgment, including without limitation the Memorandum Decision and Order Granting Relief under Federal Civil Rule 56(g) annexed hereto as Exhibit B. *Picard v. Legacy Capital Ltd.*, Adv. Pro. No. 10-05286 (SMB) (Bankr. S.D.N.Y. June 25, 2019), ECF No. 221.

The names of the relevant parties to the Final Judgment, and the contact information of their attorneys, are as follows:

Party Name	Role	Counsel
Irving H. Picard, Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and the Estate of Bernard L. Madoff	Plaintiff / Appellant / Cross-Appellee	Baker & Hostetler LLP 45 Rockefeller Plaza New York, New York 10111 Tel: (212) 589-4200 Fax: (212) 589-4201 David J. Sheehan dsheehan@bakerlaw.com Oren J. Warshavsky owarshavsky@bakerlaw.com

¹ The Final Judgment incorporated the terms of the Stipulation and Order for Entry of Final Judgment so ordered by the Bankruptcy Court on the same date as the Final Judgment. *Picard v. Legacy Capital Ltd.*, Adv. Pro. No. 10-05286 (SMB) (Bankr. S.D.N.Y. Nov. 12, 2019), ECF No. 230.

Party Name	Role	Counsel
Legacy Capital Ltd.	Defendant / Appellee / Cross-Appellant	Binder & Schwartz LLP 366 Madison Avenue Sixth Floor New York, New York 10006 Tel: (212) 510-7008 Fax: (212) 510-7299 Eric B. Fisher efisher@binderschwartz.com Lindsay A. Bush lbush@binderschwartz.com

PLEASE TAKE FURTHER NOTICE that the Trustee and Legacy have agreed under 28 U.S.C. § 158(d)(2)(A) to certify this appeal to the Second Circuit. Accordingly, subsequent to the filing of this Notice of Cross-Appeal, the parties will file a form consistent with Official Bankruptcy Form 424 certifying this appeal.

PLEASE TAKE FURTHER NOTICE that if the Second Circuit does not authorize a direct appeal, Legacy hereby cross-appeals from the Final Judgment to the United States District Court for the Southern District of New York under 28 U.S.C. § 158(a)(1).

Dated: November 26, 2019
New York, New York

By: /s/ Eric B. Fisher
BINDER & SCHWARTZ LLP
366 Madison Avenue, Sixth Floor
New York, New York 10006
Telephone: (212) 510-7008
Facsimile: (212) 510-7299
Eric B. Fisher
Email: efisher@binderschwartz.com
Lindsay A. Bush
Email: lbush@binderschwartz.com

*Attorneys for Appellee/Cross-Appellant
Legacy Capital Ltd.*